

AMENDED IN SENATE APRIL 30, 2012

SENATE BILL

No. 1135

Introduced by Senator Runner

February 21, 2012

An act to ~~amend Section 35160 of~~ *add Section 51225.1 to the Education Code, relating to school district governing boards high school graduation requirements, and declaring the urgency thereof, to take effect immediately.*

LEGISLATIVE COUNSEL'S DIGEST

SB 1135, as amended, Runner. ~~School districts: governing boards.~~
Graduation requirements: pupils in foster care.

Existing law requires a pupil to complete specified courses while in grades 9 to 12, inclusive, in order to receive a diploma of graduation from high school. Existing law authorizes the governing board of a school district to adopt rules specifying additional coursework requirements. Existing law requires a school district to exempt a pupil in foster care from all coursework and other requirements adopted by the governing board of the school district that are in addition to the statewide coursework requirements for graduation if the pupil, while he or she is in grade 11 or 12, transfers into the school district from another school district or between high schools within the school district, unless the school district makes a finding that the pupil is reasonably able to complete the additional requirements in time to graduate from high school while he or she remains eligible for foster care benefits.

This bill would instead require a school district to exempt a pupil from all coursework and other requirements adopted by the governing board of the school district that are in addition to the statewide

coursework requirements unless the school district makes a finding that the pupil is reasonably able to complete the requirements in time to graduate from high school by the end of the pupil's 4th year of high school. The bill would make the exemption from local graduation requirements applicable only to a pupil who transfers between schools during or after the pupil's 3rd year of high school and who is currently in foster care or, at the time of transfer, was in foster care. The bill would allow either the number of credits the pupil has earned to the date of transfer or the length of the pupil's school enrollment to be used to determine whether a pupil is in the 3rd year of high school, whichever would qualify the pupil for the exemption. The bill would, within 30 days of a pupil's transfer, require the school district to notify the pupil who may qualify for the exemption and the person holding the right to make educational decisions for the pupil and inform them of whether or not the pupil qualifies for the exemption. The bill would prohibit a school or school district from requiring or requesting that a pupil graduate before the end of his or her 4th year of high school if the pupil is exempted and completes the statewide coursework requirements before the end of his or her 4th year in high school and the pupil is otherwise entitled to remain in attendance at the school.

By requiring school districts to perform additional duties in complying with the exemption requirement, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

This bill would declare that it is to take effect immediately as an urgency statute.

~~Existing law authorizes the governing board of a school district to initiate and carry on any program, activity, or to act in a manner that is not in conflict with or inconsistent with, or preempted by, any law and that is not in conflict with the purposes for which a school district is established.~~

~~This bill would make technical, nonsubstantive changes to that provision.~~

Vote: ~~majority~~^{2/3}. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 51225.1 is added to the Education Code,
2 to read:
3 51225.1. (a) (1) The exemption from local graduation
4 requirements provided by this section applies only to a pupil who
5 meets both of the following criteria:
6 (A) The pupil transfers between schools during or after the
7 pupil's third year of high school.
8 (B) The pupil is currently in foster care or, at the time of
9 transfer, was in foster care.
10 (2) To determine whether a pupil is in the third year of high
11 school, either the number of credits the pupil has earned to the
12 date of transfer or the length of the pupil's school enrollment may
13 be used, whichever will qualify the pupil for the exemption.
14 (b) Notwithstanding any other law, a school district shall exempt
15 a pupil from all coursework and other requirements adopted by
16 the governing board of the school district that are in addition to
17 the statewide coursework requirements specified in Section 51225.3
18 unless the school district makes a finding that the pupil is
19 reasonably able to complete the requirements in time to graduate
20 from high school by the end of the pupil's fourth year of high
21 school.
22 (c) Within 30 days of the date that a pupil who may qualify for
23 the exemption from local graduation requirements pursuant to this
24 section transfers into a school, the school district shall notify the
25 pupil and the adult holding the right to make educational decisions
26 for the pupil of the availability of the exemption and shall inform
27 the pupil and the adult holding the right to make educational
28 decisions for the pupil that the pupil qualifies or does not qualify
29 for an exemption.
30 (d) (1) If a pupil is not exempted from local graduation
31 requirements pursuant to this section, a school district shall exempt
32 the pupil at any time if an exemption is requested and the pupil
33 qualifies for the exemption.

1 (2) If a pupil has been exempted from local graduation
2 requirements pursuant to this section, a school district shall not
3 revoke the exemption.

4 (e) If a pupil is exempted from local graduation requirements
5 pursuant to this section and completes the statewide coursework
6 requirements specified in Section 51225.3 before the end of his or
7 her fourth year in high school and that pupil would otherwise be
8 entitled to remain in attendance at the school, a school or school
9 district shall not require or request that the pupil graduate before
10 the end of his or her fourth year of high school.

11 (f) If a pupil is exempted from local graduation requirements
12 pursuant to this section, the school district shall notify the pupil
13 and the adult holding the right to make educational decisions for
14 the pupil, whether and how any of the requirements that are waived
15 will affect the pupil's ability to gain admission to a postsecondary
16 educational institution and shall provide information about transfer
17 opportunities available through the California Community
18 Colleges.

19 SEC. 2. If the Commission on State Mandates determines that
20 this act contains costs mandated by the state, reimbursement to
21 local agencies and school districts for those costs shall be made
22 pursuant to Part 7 (commencing with Section 17500) of Division
23 4 of Title 2 of the Government Code.

24 SEC. 3. This act is an urgency statute necessary for the
25 immediate preservation of the public peace, health, or safety within
26 the meaning of Article IV of the Constitution and shall go into
27 immediate effect. The facts constituting the necessity are:

28 In order to ensure that pupils in foster care who are eligible for
29 foster care benefits are eligible to graduate from high school in
30 the 2011–12 academic year, it is necessary for this act to take
31 effect immediately.

32 SECTION 1. ~~Section 35160 of the Education Code is amended~~
33 ~~to read:~~

34 ~~35160. On and after January 1, 1976, the governing board of~~
35 ~~a school district may initiate and carry on any program, activity,~~
36 ~~or may otherwise act in a manner that is not in conflict with or~~
37 ~~inconsistent with, or preempted by, any law and that is not in~~
38 ~~conflict with the purposes for which a school district is established.~~